

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CR-374-D
No. 5:14-CV-263-D
No. 5:16-CV-627-D

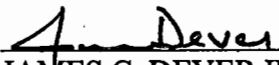
JAYME GLEN ELEY,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

ORDER

On June 28, 2016, Jayme Glen Eley (“Eley”) filed a second motion to vacate under 28 U.S.C. § 2255 [D.E. 53]. On June 28, 2016, Eley also filed a motion stay his section 2255 proceeding in order to preserve his timely filing of claims under Johnson v. United States, 135 S. Ct. 2551 (2015). See [D.E. 55]. On July 18, 2016, the United States Court of Appeals for the Fourth Circuit considered Eley’s motion (including his reference to Johnson) and concluded that Eley failed to make the prima facie showing necessary to receive authorization to file a second or successive section 2255 motion. See [D.E. 59].

In light of the Fourth Circuit’s decision, the motion to stay is [D.E. 55] is DISMISSED as moot, and Eley’s second section 2255 motion [D.E. 53] is DISMISSED for lack of subject-matter jurisdiction as successive. See, e.g., 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003). The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 22 day of August 2016.



JAMES C. DEVER III
Chief United States District Judge